

## Message Text

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PAGE 01 STATE 087021

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ORIGIN PM-09

INFO OCT-01 EUR-25 NEA-10 ADP-00 MC-02 DODE-00 EB-11 IGA-02

ACDA-19 COME-00 CIAE-00 INR-10 NSAE-00 RSC-01 L-03

GAC-01 OMB-01 SS-15 NSC-10 /120 R

DRAFTED BY PM/ MAS - DFARNHAM: CT

4/20/73: X22280

APPROVED BY PM/ MAS - CHRISTIAN CHAPMAN

PM/ MC - MR. VAUGHAN

NEA/ TUR - MR. MURPHY

PM/ MC - MR. VAUGHAN

NEA/ TUR - MR. MURPHY

DOD ( ISA) - MR. HOENIG

DOD/ ISA - MR. EAGLEBURGER

----- 008346

R 081935 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

INFO AMEMBASSY ROME

C O N F I D E N T I A L STATE 087021

E. O. 11652: GDS

TAGS: MASS, TU

SUBJECT: HELICOPTERS FOR TURKISH JANDARMA

REFS: A. SECDEF MSG. 3039 DTG 202336 Z MAR 73

B. AMEMB ANKARA MSG 2666

C. AMEMB ROME MSG 2936

1. ( C ) REF A INDICATED THAT DOD COULD NOT INVITE THE SALE OF THE UH-1 H AND THE OH-5 B HELICOPTERS SINCE SUCH ACTION WOULD DISRUPT LICENSING ARRANGEMENT BETWEEN BELL AND AGUSTA.

2. ( U ) THIS POSITION WAS TAKEN IN KEEPING WITH SECTION 42 OF THE FOREIGN MILITARY SALES ACT WHICH READS IN PART  
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" IN EVALUATING ANY SALE PROPOSED TO BE MADE PURSUANT TO THIS ACT, THERE SHALL BE TAKEN INTO CONSIDERATION (1) THE EXTENT TO WHICH THE PROPOSED SALE DAMAGES OR INFRINGES UPON LICENSING ARRANGEMENTS WHEREBY UNITED STATES ENTITIES HAVE GRANTED LICENSES FOR THE MANUFACTURE OF THE DEFENSE ARTICLES SELECTED BY THE PURCHASING COUNTRY TO ENTITIES LOCATED IN FRIENDLY FOREIGN COUNTRIES, WHICH LICENSES RESULT IN FINANCIAL RETURN TO THE UNITED STATES....."

3.(C) REF B INDICATES THAT GOT IS DETERMINED TO HAVE THIS SALE CONSUMMATED ON A GOVERNMENT- TO- GOVERNMENT BASIS THROUGH FMS. THIS POSITION APPARENTLY HAS BEEN TAKEN ON THE BASIS OF POOR AGUSTA SUPPORT FOR HELICOPTERS ALREADY PURCHASED BY THE TURKISH GROUND FORCES. ON THIS BASIS, WE HAVE NO ALTERNATIVE BUT TO QUOTE PRICE AND AVAILABILITY INFORMATION AS ORIGINALLY REQUESTED IN THE GOT LETTER DATED 12 FEBRUARY 1973. HOWEVER, BEFORE WE CAN PROCEED WITH THIS ACTION, WE REQUEST THAT THE GOT OFFICIALLY REQUEST THROUGH THE JUSMMAT THAT THESE HELICOPTERS BE QUOTED ON A SOLE SOURCE BASIS FROM THE BELL HELICOPTER COMPANY AND STATE SUBSTANCE OF REASON GOT WILL NOT PURCHASE THESE ITEMS FROM AGUSTA/ BELL. THIS WILL THEN BE IN CONSONANCE WITH THE FOREIGN MILITARY SALES ACT AS WELL AS IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF CHAPTER IX " GOVERNMENT REGULATIONS" OF THE BELL/ AGUSTA LICENSE AGREEMENT.

4. (C) WE EXPECT THAT OUR ACTION ON THIS MATTER WILL NOT BE VIEWED BY AGUSTA WITH A GREAT DEAL OF ENTHUSIASM, THEREFORE, FOR YOUR BACKGROUND WE QUOTE THE APPROPRIATE WORDING IN CHAPTER IX OF THE BELL/ AGUSTA LICENSE AGREEMENT: " IT IS FURTHER UNDERSTOOD AND AGREED BY THE PARTIES THAT THE UNITED STATES AND/ OR THE ITALIAN GOVERNMENT MAY UNDER TREATIES OR PROGRAMS RELATING TO DEFENSE, TRANSFER BY GIFT OR SALE, HELICOPTERS AND SPARE PARTS OF THE TYPE COVERED BY THIS AGREEMENT TO OTHER GOVERNMENTS; AND THAT SUCH TRANSFERS ARE BEYOND THE CONTROL OF BELL AND/ OR AGUSTA, AND SHALL NOT BE DEEMED A BREACH OF THE EXCLUSIVE RIGHTS GRANTED UNTO AGUSTA IN CERTAIN PORTIONS OF THIS AGREEMENT." NORMALLY, WE WOULD NOT INVITE A SALE  
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WHICH INFRINGES ON A COMMERCIAL LICENSE ARRANGEMENT; HOWEVER, WITH THE INCLUSION OF THIS WORDING WE ARE PERMITTED TO RESPOND THROUGH FMS TO A FOREIGN CLIENT WHO INSISTS UPON DEALING ON A GOVERNMENT- TO- GOVERNMENT BASIS.

5.(U) PLEASE CONTINUE TO KEEP DEPARTMENT INFORMED AS

TO DEVELOPMENTS IN THIS CASE AS THEY BECOME KNOWN. DOD  
PARTICIPATED IN THE PREPARATION OF THIS MESSAGE. ROGERS

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NMAFVVZCZ

\*\*\* Current Handling Restrictions \*\*\* n/a  
\*\*\* Current Classification \*\*\* CONFIDENTIAL  
@@@OASYS@@@<CONCATENATED>

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C O N F I D E N T I A L STATE 087021

E. O. 11652: GDS  
TAGS: MASS, TU  
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REFS: A. SECDEF MSG. 3039 DTG 202336 Z MAR 73  
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NMAFVVZCZ

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* CONFIDENTIAL

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** <CONCATENATED>  
**Draft Date:** 08 MAY 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** DFARNHAM: CT  
**Enclosure:** n/a  
**Executive Order:** GDS  
**Errors:** n/a  
**Film Number:** n/a  
**From:** STATE  
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**Legacy Key:** link1973/newtext/t19730538/aaaaifqy.tel  
**Line Count:** 239  
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**Office:** ORIGIN PM  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** 73 ANKARA 2666, 73 ROME 2936  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:** ANOMALY  
**Review Date:** 04 DEC 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04-Dec-2001 by shawdg>; APPROVED <22 FEB 2002 by garlanwa>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> mcm 971223  
**Subject:** HELICOPTERS FOR TURKISH JANDARMA  
**TAGS:** MASS, TU  
**To:** ANKARA  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005